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Creation of the County

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Acts of 1803 Chapter 68

SECTION 1. That Montgomery county be divided by a line which shall commence in the Kentucky line, thirteen miles west of the meridian of Clarksville, and run south to the southern boundary of this State; and all the territory west of the said line be constituted a separate and distinct county called and distinguished by the name of Stewart.

Sec. 2. That James Elder be appointed surveyor to run the division line between the said county of Stewart and the county of Montgomery, and that he be allowed the sum of two dollars and fifty cents per day for his services, and that he be authorized to employ two chain carriers and one marker for the purposes aforesaid, which several sums shall be paid out of the funds of said county.

Sec. 3. That for the purpose of fixing on the most central and eligible place for the permanent seat of justice, that James Elder, Amos Bird, James Haling, Harry Small, and John Blair, esquires, be appointed commissioners for that purpose; and that they or any three of them, first being sworn, fix the same on Cumberland river, twelve and a half miles west of the eastern boundary of said county, or as near thereto as convenience will admit of; and that said commissioners be allowed the sum of two dollars for each and every day they are necessarily employed therein, which money shall be paid by the county as aforesaid.

Sec. 4. That the first court of said county of Stewart shall be held at the dwelling house of Mr. Martin, near the bald island, from thence to adjourn to such place as they may think proper, until the public buildings for said county are ready for their reception.

Sec. 5. That the Sheriff of Montgomery county shall have power to collect the taxes for the present year, and all arrearages of taxes due for any preceding year, from any of the inhabitants of the said county of Stewart in as full and ample manner as if this act had not been passed.

Sec. 6. That elections for governor, representatives to congress, members to the general assembly and field officers shall be held in said county at the place of holding courts, and shall be conducted under the same rules and regulations as established by law; and in all cases of elections the Sheriff shall be bound by the laws now in force and use in this State, and shall observe the same rules and regulations in making returns and comparing votes as are now observed and in use in the electoral district composed of the counties of Montgomery and Robertson.

Sec. 7. That the law authorizing and establishing separate elections and general musters at Palmyra, in Montgomery county, passed at the last general assembly, is hereby repealed and made void.

Sec. 8. That as soon as practicable after the aforesaid commissioners shall fix on the place for erecting the court house, prison and stocks in the county by this act established, that George Petty, Caleb Williams, and James Tagert, be and they hereby are appointed commissioners, who are hereby authorized to contract for, and purchase from the owner or owners, thirty acres of land, including the place so fixed as aforesaid, which said thirty acres of land, when so purchased, the commissioners last mentioned shall take a deed or deeds in fee simple, to them and their successors in office, for the use and benefit of the said county of Stewart.

Sec. 9. That the last mentioned commissioners, or majority of them, shall, as soon as may be after purchasing and obtaining a title to the thirty acres of land as aforesaid, cause a town to be laid off thereon, to be called and known by the name of Monroe, for county purposes, reserving one and an half acres for the public square, including the spot fixed on for erecting the court house, prison and stocks of said county, which one and an half acres in the plan of the said town shall be denominated the public square.

Sec. 10. That the said commissioners be, and they are hereby authorized, to sell the lots of said town at public sale, at a credit of six months, giving sixty days previous notice, by advertising the same in the Tennessee Gazette; and when sold shall take bond, with sufficient security, for the payment of the purchase money to themselves and their successors in office; and the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyance, in fee simple, for the same, to the purchasers, which shall be good and valid in law to all intents and purposes.

Sec. 11. That the money arising from the sale of the aforesaid lots shall be by the said commissioners applied to the payment of the said thirty acres of land, and the building of the court house, prison, and stocks for said county. And they are hereby authorized to contract with a suitable person or persons to erect the same; the court house to contain convenient rooms for juries.

Sec. 12. That the said commissioners shall keep a fair and regular account of all monies by them received

and expended, which shall be laid before the court of said county, when demanded. And the said court shall have full power and authority to levy a county tax, not exceeding twelve and an half cents on each hundred acres of land, twelve and an half cents on each white poll, twenty five cents on each black poll, twenty five cents on each town lot, and one dollar on each stud horse kept for mares, for the purpose of defraying the expense of the public buildings; which tax, if necessary, may be levied for three successive years and no longer, unless otherwise provided for by law, and shall be collected in the same manner and by the same persons as public taxes are; and the money arising from said taxes shall be paid by the collector thereof, first deducting the same per centum for collection as is by law allowed for collecting public taxes, into the hands of the aforesaid commissioners or a majority of them, to be applied to the purposes aforesaid.

Sec. 13. That the said commissioners shall give bond with sufficient security in the sum of one thousand dollars each, payable to the chairman of the court of said county and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

Sec. 14. That the first court held for the county by this act established, shall commence on the first Monday succeeding the fourth Monday in January, one thousand eight hundred and four.
November 1, 1803

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